

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION

***Rio Blanco County Existing East Douglas Pit, Free Use Permit***  
**DOI-BLM-CO-N05-2015-0026-CX**

### Identifying Information

**Project Title:** Rio Blanco County Existing East Douglas Pit, Free Use Permit

**Legal Description:** T. 2 S., R. 101 W., 6<sup>th</sup> P.M.  
Section 35, SESE  
Section 36, SWSW  
T. 3 S., R. 101 W., 6<sup>th</sup> P.M.  
Section 1, Lot 8

**Applicant:** Rio Blanco County

**Casefile/Project Number:** COC76894

### Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

**Land Use Plan:** White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

**Date Approved:** July 1997

**Decision Language:** "Facilitate the orderly and environmentally sound development of mineral material resources." (page 2-9)

### Proposed Action

#### *Project Components and General Schedule*

**Background/Introduction:** The Rio Blanco County (RBC) East Douglas Pit free use permit (FUP) was originally permitted in October 1998 for 100,000 cubic yards (cy) of mineral material under FUP COC62187, renewed for 100,000 cy in May 2004 under FUP COC67715 and expired May, 2014. Environmental Assessments CO-017-98-39-EA and CO-WRFO-02-37-EA analyzed the East Douglas Pit (See Figures 1 and 2). The operation is permitted with the Colorado Division of Mining Reclamation and Safety under permit number M1998054. It has been in

operation since summer of 1998 and to date RBC has removed approximately 50,000 cy of material. It is on BLM surface and mineral estate located approximately 22.5 miles south of Rangely, Colorado along Colorado State Highway 139 and 4 miles east along RBC Road 27. Access is 50 feet in length and south off of RBC Road 27 with a locked gate at the entrance to the pit. Activity in the gravel pit and amount of material removed is dependent on annual road maintenance required for the nearby county roads and typically occurs April through October. Total area of previous disturbance for the pit is approximately 12.5 acres. The disturbed area would be reclaimed in accordance with RBC's reclamation plan upon removal of all suitable gravel material.

**Proposed Action:** Rio Blanco County has requested a 10 year 50,000 cubic yard (cy) FUP to continue operating the East Douglas Pit in accordance with their current mining plan. Material from the pit would be used for RBC road maintenance and repair. No new surface disturbance outside of the permitted pit area would occur for the removal of material. It is reasonable to expect crushing and screening operations could occur once during the 10 year life of the contract. Crushing and screening operations would last approximately 30 working days.

### ***Design Features***

1. Conditions of Approval that currently apply to the East Douglas FUP COC67715 (Attachment B) would be carried forward as Conditions of Approval in FUP COC76894.

### ***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate

or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

## Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number F (10): *"Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X

Extraordinary Circumstance	YES	NO
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

## Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 1/13/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	2/2/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	1/20/2015
Matt Dupire	Ecologist	Special Status Plant Species	1/13/2015
Paul Daggett	Mining Engineer	Project Lead	5/14/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	5/14/2015

**Cultural Resources:** Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations found at 36 CFR Part 800 requires Federal agencies to take into account the effects their actions will have on cultural resources for any endeavor that involves Federal monies, Federal permitting or certification, or Federal lands.

A records search of the proposed project area indicated that 3 acres of the East Douglas gravel pit potentially has not been surveyed for cultural resources. The 3 acres in question should have been inventoried under the environmental assessment (CO-WRFO-02-37-EA) when the quarry was expanded; however, there is no documentation to show a survey for cultural resources was completed. As a result, it is unclear if cultural resources were impacted at any point during the quarry expansion and subsequent operations. Since the quarry is currently in operation, and any unknown cultural resources within the boundary of the quarry would likely have been destroyed, a certified BLM archaeologist decided to revisit cultural resources in the area of potential effect (APE) surrounding the gravel pit to assess indirect impacts from quarry operations (atmospheric, visual, audible etc.). Three eligible sites (5RB 5596, 5RB 341, and 5RB 145) were revisited, and none showed any adverse impacts that can be directly tied to quarry pit operations. Based on the field revisit to cultural resources in the APE, the BLM determines that the Purposed Action will not adversely affect any historic properties.

**Native American Religious Concerns:** The White River Field Office area is located within a larger area identified by the Ute Tribes as part of their ancestral homeland.\* Contemporary Native American groups such as the Eastern Shoshone, Ute Tribes of the Uinta and Ouray Bands (Northern Ute), Southern Ute, and Ute Mountain Ute maintain cultural ties to the land and resources within the WRFO area.

Cultural resources are locations of past or current human activity, occupation, or use and include prehistoric or historic archaeological sites, buildings, structures, objects, districts, or other places. Cultural resources can also be natural features including native plants localities that are considered important to a culture, subculture, or community. Traditional Cultural Properties (TCPs) located throughout the WRFO area, are places associated with the traditional lifeways, cultural practices or beliefs of a living community. These sites are rooted in the community's history and are important in maintaining cultural identity. Locations of TCPs, are often not known to the BLM, but may be present in or near the project area due its location adjacent the Canyon Pintado Historic District. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. All wildlife related issues and concerns were adequately addressed in the original environmental assessments (CO-017-98-39-EA and CO-WRFO-02-37-EA).

**Threatened and Endangered Plant Species:** There is no threatened or endangered plant species habitat in the vicinity of the Proposed Action.

## **Mitigation**

None.

## **Tribes, Individuals, Organizations, or Agencies Consulted**

None.

## Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F (10). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

Therese E. Walter

Field Manager

05/15/2015

Date



## Appendix A. Figures

Figure 1: Topographic Map

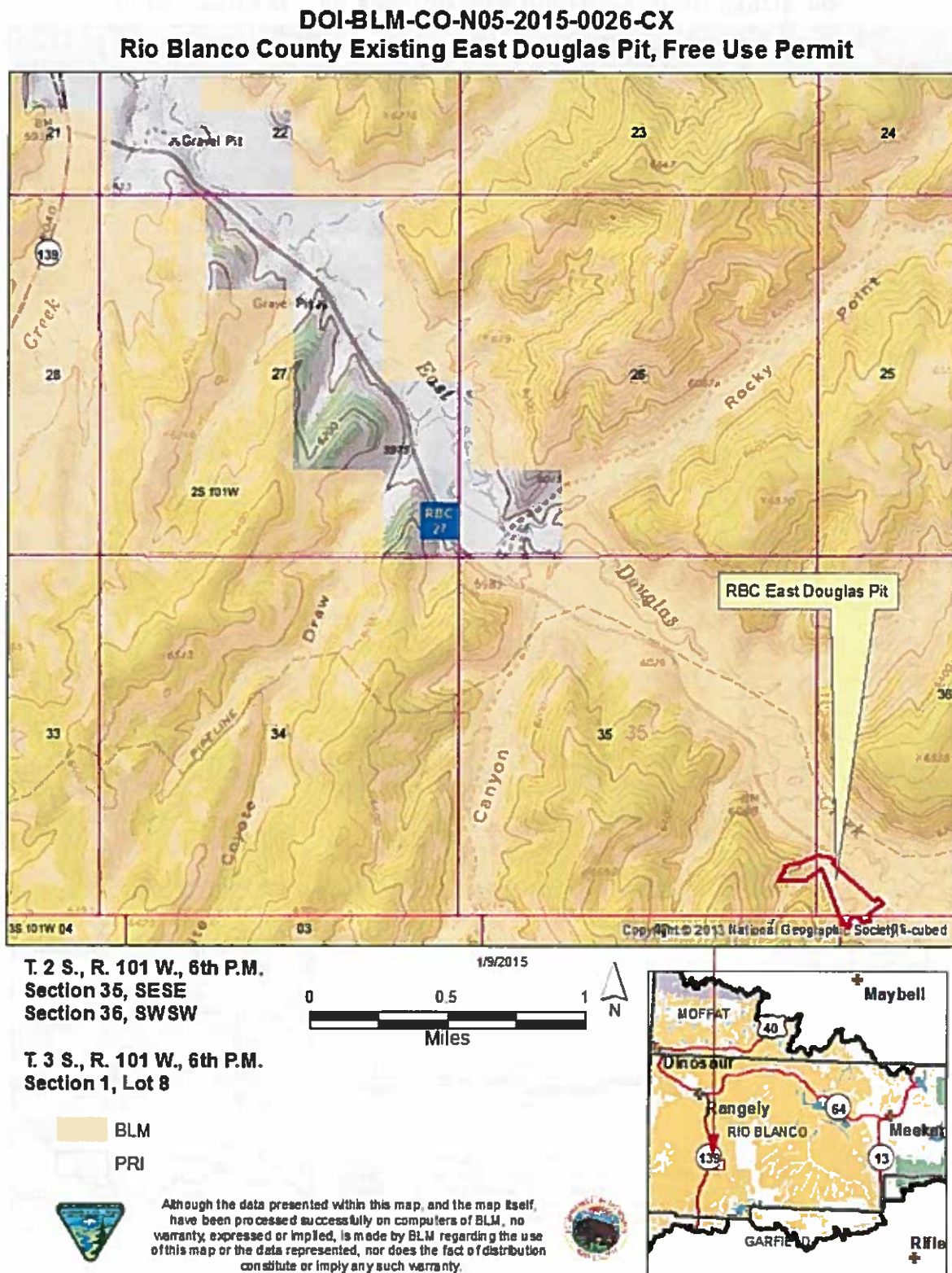




Figure 2: Aerial Map

**DOI-BLM-CO-N05-2015-0026-CX**  
**Rio Blanco County Existing East Douglas Pit, Free Use Permit**



**T. 2 S., R. 101 W., 6th P.M.**  
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0 500 1,000  
 Feet



Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.





## Appendix B. Conditions of Approval for COC67715

### Conditions of Approval for FUP COC 67715 RBC East Douglas Pit

1. Locate and maintain sanitation facilities according to state regulations.
2. When preparing the site all, suitable topsoil should be stripped from the surface of the location, stockpiled and reseeded, for reclamation once the location is abandoned. When topsoil is stockpiled on slopes exceeding five percent, construct a berm or trench below the stockpile.
3. Sedimentation shall be diverted and/or run through catchment basins In order to protect surface waters from additional sediment. All catchment basins need to be fence to prevent usage by livestock.
4. All sediment control structures or disposal pits will be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures will have a design life of 25 years.
5. All activity shall cease when soils or road surfaces become saturated to a depth f three Inches unless otherwise approved by the Authorized Officer.
6. There shall be no mud blading of roads.
7. Dust suppression will be used on disturbed areas and associated roads.
8. Since this area is classified as VRM Class 3 visual, all above ground facilities shall be painted to blend In with the surrounding environment and all disturbed areas shall be contoured to match the original topography. Matching is defined as reproducing the original topography and eliminating form, line, and color caused by the disturbance as much as possible to mimic adjacent landscape.
9. If historic or archaeological materials are uncovered during construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will Inform the operator as to:
  - whether the materials appear eligible for the National Register of Historic Places;
  - the mitigation measures the operator will likely have to undertake before the construction may proceed.
10. Pursuant to 43 CFR 10.4(g) the holder of the authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains. funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d). you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer
11. Reclamation should be implemented concurrent with construction and site operations to the fullest extent possible. Final reclamation actions shall be initiated within six months of the termination of operations unless otherwise approved in writing by the Authorized Officer.
12. Fill material shall be pushed into cut areas and up over backslopes. Leave no depressions that will trap water or form ponds. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
13. Distribute topsoil evenly over the location and prepare a seedbed by disking or ripping. Drill seed on contour at a depth no greater than 1/2 Inch. In areas that cannot be drilled, broadcast at double the seeding rate and harrow seed into the soil.

14. Use the following non-native seed mix that is certified and free of noxious weeds. Seed certification tags must be submitted to the Area Manager.

Species	Variety	Pounds Pure Live Seed (PLS)/Acre
Western wheatgrass	Rosanna	2
Needle and Thread	Critana	2
Thickspike wheatgrass	Siberian	2
Indian ricegrass	Vinal	2
Sand dropseed	Ephraim	1
Alternate:		
Fourwing Saltbrush		
Total pounds PLS/Acre		9

15. Additional seed applications may be required to accommodate specific site conditions or if initial seed germination has failed.
16. An Integrated Weed Management (IWM) approach to the prevention, control or containment of noxious weeds and undesirable plant species will be implemented according to BLM Manual 9015-Integrated Weed Management (12/2/92).
17. All hay, straw, mulch or other vegetative material used in weed-free zones for site stability, rehabilitation or project facilitation shall be certified by a qualified federal, state or county officer as free of noxious weeds and noxious weed seed. Current state standards shall be applicable.
18. All contractors and land-use operators moving surface disturbing equipment into the weed free zones must clean their equipment prior to use on BLM lands. These requirements may be waived by the area manager.
19. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
20. A copy of the reclamation plan as sent to Colorado DMG, including a post mining contour map is required and must be approved by the Bureau of Land Management White River Field Office Field Manager. Reclamation of disturbed areas shall begin as soon as the area is no longer needed for the removal of the material.
21. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
22. The proponent needs to contact the oil & gas pipeline's right-of-way holders with their proposal.
23. No operations using chemical processes or other pollutants in their activities will be allowed to occur within 200 feet of any water bodies.
24. Trees must be cut before being dozed off the area of disturbance. Trees shall be cut into four-foot lengths, down to four Inches In diameter and placed along the edge of the disturbance.
25. All authorized users of public lands are expected to know and comply with regulations governing the storage, handing, application (including licensing of applicators), and disposal of hazardous substances.
26. Do not transport, handle, store, load, or dispose of any hazardous substances in such a manner as to pollute water supplies or waterways, or cause damage or Injury to land,

27. Do not store, mix, or rinse hazardous substances or fertilizers in an area where they might enter state waters.

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## **DECISION RECORD**

### ***Rio Blanco County Existing East Douglas Gravel Pit, Free Use Permit DOI-BLM-CO-N05-2015-0026-CX***

#### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0026-CX, authorizing Free Use Permit COC76894 allowing for the construction, operation, and maintenance necessary for the removal of up to 50,000 cubic yards of mineral materials from the existing Rio Blanco County East Douglas Pit.

#### ***Applicant Committed Design Features***

1. Locate and maintain sanitation facilities according to state regulations.
2. When preparing the site all, suitable topsoil should be stripped from the surface of the location, stockpiled and reseeded, for reclamation once the location is abandoned. When topsoil is stockpiled on slopes exceeding five percent, construct a berm or trench below the stockpile.
3. Sedimentation shall be diverted and/or run through catchment basins In order to protect surface waters from additional sediment. All catchment basins need to be fence to prevent usage by livestock.
4. All sediment control structures or disposal pits will be designed to contain a 100-year, 6-hour storm event. Storage volumes within these structures will have a design life of 25 years.
5. All activity shall cease when soils or road surfaces become saturated to a depth f three Inches unless otherwise approved by the Authorized Officer.
6. There shall be no mud blading of roads.
7. Dust suppression will be used on disturbed areas and associated roads.
8. Since this area is classified as VRM Class 3 visual, all above ground facilities shall be painted to blend In with the surrounding environment and all disturbed areas shall be contoured to match the original topography. Matching is defined as reproducing the original topography and eliminating form, line, and color caused by the disturbance as much as possible to mimic adjacent landscape.
9. Reclamation should be implemented concurrent with construction and site operations to the fullest extent possible. Final reclamation actions shall be initiated within six months of the termination of operations unless otherwise approved in writing by the Authorized Officer.



10. Fill material shall be pushed into cut areas and up over backslopes. Leave no depressions that will trap water or form ponds. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
11. Distribute topsoil evenly over the location and prepare a seedbed by disking or ripping. Drill seed on contour at a depth no greater than 1/2 Inch. In areas that cannot be drilled, broadcast at double the seeding rate and harrow seed into the soil.
12. Use the following non-native seed mix that is certified and free of noxious weeds. Seed certification tags must be submitted to the Area Manager.

Species	Variety	Pounds Pure Live Seed (PLS)/Acre
Western wheatgrass	Rosanna	2
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Alternate:		
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	Total pounds PLS/Acre	9

13. Additional seed applications may be required to accommodate specific site conditions or if initial seed germination has failed.
14. An Integrated Weed Management (IWM) approach to the prevention, control or containment of noxious weeds and undesirable plant species will be implemented according to BLM Manual 9015-Integrated Weed Management (12/2/92).
15. All hay, straw, mulch or other vegetative material used in weed-free zones for site stability, rehabilitation or project facilitation shall be certified by a qualified federal, state or county officer as free of noxious weeds and noxious weed seed. Current state standards shall be applicable.
16. All contractors and land-use operators moving surface disturbing equipment into the weed free zones must clean their equipment prior to use on BLM lands. These requirements may be waived by the area manager.
17. Application of herbicides must be under field supervision of an EPA-certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
18. A copy of the reclamation plan as sent to Colorado Division of Reclamation, mining and Safety, including a post mining contour map is required and must be approved by the Bureau of Land Management White River Field Office Field Manager. Reclamation of disturbed areas shall begin as soon as the area is no longer needed for the removal of the material.
19. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
20. The proponent needs to contact the oil & gas pipeline's right-of-way holders with their proposal.
21. No operations using chemical processes or other pollutants in their activities will be allowed to occur within 200 feet of any water bodies.

22. Trees must be cut before being dozed off the area of disturbance. Trees shall be cut into four-foot lengths, down to four inches in diameter and placed along the edge of the disturbance.
23. All authorized users of public lands are expected to know and comply with regulations governing the storage, handling, application (including licensing of applicators), and disposal of hazardous substances.
24. Do not transport, handle, store, load, or dispose of any hazardous substances in such a manner as to pollute water supplies or waterways, or cause damage or injury to land,
25. Do not store, mix, or rinse hazardous substances or fertilizers in an area where they might enter state waters.

***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

26. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
27. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
28. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
29. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
30. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following

the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area

## **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

## **Public Involvement**

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 1/16/2015. As of 5/13/2015 no comments or inquiries have been received.

## **Rationale**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F (10). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

The Rio Blanco County East Douglas Pit has been in operation since 1998 and no new surface disturbance outside of the permitted pit area would occur. Material from the pit is used to maintain and repair county roads for public use and safety in the East Douglas Creek area.

## **Monitoring and Compliance**

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

## **Administrative Remedies**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulation (CFR), Part 4.400 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from date of publication this decision. The appellant has the burden of showing that the Decision appealed from is in error. If you wish to file a petition for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. A copy of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals (IBLA) and to the appropriate Office of the

Solicitor (see 43 CFR4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for obtaining a stay**

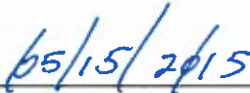
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success of the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted, and;
4. Whether the public interest favors granting the stay.

**Signature of Authorized Official**



Field Manager



Date